

Non-Residential Design Review Committee Meeting Minutes December 06, 2013

The Bethany Beach Non-Residential Design Review Committee (NRDRC) held a meeting on Friday, December 6, 2013 at 2:00 p.m. in the Town Council Meeting Room, 214 Garfield Parkway, Bethany Beach, DE.

Members present: Lew Killmer, who presided; Faith Denault; John Hendrickson; Jim Weisgerber; Susan Frederick, Building Inspector

Also present: Sandy Smyth and Lori Smyth, applicants of proposed new sign for “Tidepool Toys & Games”; Mr. Jack Burbage, applicant of proposed new hotel; Jeff Schoellkopf, Architect for Jack Burbage/Bethany Boardwalk Group, LLC; Mayor Tony McClenny; Council members Jack Gordon, Jerry Dorfman, Joseph Healy, and Margaret Young; Nathalie Fernandes, Receptionist; and interested members of the public.

Call to Order

Mr. Killmer called the meeting to order at 2:00 p.m.

Approval of the Agenda

Ms. Denault made a motion to approve the agenda. Mr. Weisgerber seconded the motion and it was unanimously approved.

New Business

The purpose of the meeting is to discuss and vote on an application submitted by Sandy and Lori Smyth, tenants of 98 Garfield Parkway, Unit 104 “Tidepool Toys & Games,” for a new sign for property located at Lots 7-12, Block 106, in the C-1 Commercial Zoning District, Bethany Beach, DE.

Mr. Killmer stated that he had no issues with the proposed sign since it conforms to the Town’s Sign Ordinance as well as Non-Residential Design Guidelines. Mr. Weisgerber also commented that he also feels that the proposed sign looks really nice and he liked the dolphin on the scooter. Ms. Smyth stated that their motto is “Toys with a Purpose.” Mr. Killmer motioned to approve the sign. Ms. Denault seconded and it was unanimously approved.

Old Business

The purpose of the meeting is to continue the discussion and review of the application submitted by Jeff Schoellkopf, Architect for Mr. Jack Burbage/Bethany Boardwalk Group, LLC for the construction of a hotel to be located at Block 106, Lot 1 and Block 110, Lots 9, 10, 11 in the CL-1 Commercial Lodging Zoning District, Bethany Beach.

Mr. Jeff Schoellkopf, architect for Jack Burbage/Bethany Boardwalk Group LLC, stated that this is the third meeting they have had with the committee. Mr. Schoellkopf explained that the purpose of this meeting is to give a brief presentation on unresolved issues that were made by the NRDRC at the previous meeting.

Mr. Schoellkopf provided the following information to the Committee:

1. Handout titled "Bethany Beach Oceanfront Suites, Zoning Application Update".
2. Half size set of four (4) drawings that included C1.0 Site Plan, A3.1 Exterior Elevations, A3.2 Exterior Elevations and 051 Landscape Plan

Mr. Killmer agreed that this meeting is to continue the discussion and that there will be to update the Town's ordinances to allow and control the number and the size of parking spaces for compact cars.

Mr. Schoellkopf provided an explanation that the trash containers have to be on a street because there is not enough interior clearance for the dump trucks to lift the dumpster inside the loading dock area. There are some minor changes in the landscape plan. There will be a screen around the dumpster, as well as the transformer. A ten (10) feet wide by twenty (20) feet long sliding door will be placed in front the of the enclosure which will allow the town trucks to pull the dumpster out.

Mrs. Frederick questioned how the doors operated. Mr. Schoellkopf explained that the two doors would bypass each other. Mrs. Frederick asked when he anticipates trash pickup. Mr. Weisgerber replied that trash pickup would have to be everyday for the restaurant. He then asked how the trash would be picked up. Mr. Schoellkopf clarified that hotel workers or restaurant workers will have to walk around to open the sliding door in order to dispose of any trash.

Mr. Schoellkopf continued to discuss that hotel workers could be provided with service doors to get to the dumpster from the garage area. Mr. Killmer suggested that there should be access to the dumpster on both sides of the screen to benefit the employees of the hotel, rather than have them walk out onto the public sidewalk to dispose of the trash. Mr. Schoellkopf agreed and will arrange to add another point of access to the dumpster.

Mr. Gilbert Tietz, property owner, was recognized. He questioned whether the door presented at the last meeting would be an open lattice door or a solid door that will block the view of the dumpster. Mr. Schoellkopf replied that it would be a solid door approximately eight (8) feet in height. Mr. Tietz commented that he concerned that if he goes out on his porch that faces S. Atlantic Avenue, he will be able to see the dumpster entirely from his second floor.

Mr. Schoellkopf stressed that the dumpster will be screened off and it will be hidden from any kind of view. He explained that the dumpster will have to be pulled out in order to dump it. He added that the sliding door is eight (8) feet high, when the dumpster is only five (5) feet. If the dumpster were to be moved back, a parking spaces would be lost. Mr. Weisgerber suggested that an awning be put in order to cover the dumpster to not only meet the needs of Mr. Tietz, but to also avoid bad weather entering into dumpster. Mr. Schoellkopf acknowledged the suggestion but emphasized that the dumpster will not be visible. Mr. Schoellkopf also voiced concern that an awning would be in the way of removal of the trash and could be damaged by being hit when lifting the dumpster.

Mr. Weisgerber suggested that Mr. Schoellkopf look at the site lines from Mr. Tietz's porch to verify that the dumpster will not be visible. Mrs. Frederick commented that she could give Mr. Schoellkopf a copy of the plans for Mr. Tietz house for him to use to calculate the necessary height of the fence and gates to hide the dumpsters from view. Mr. Schoellkopf agreed.

Mr. John Burbage asked if the dumpster outside of "Blue Surf Condos" was visible to Mr. Tietz because it is about four (4) to five (5) feet away from the proposed location of the dumpsters at the new hotel. Mr. Tietz replied that the "Blue Surf Condos" dumpster is out of his sight line, but the proposed location of the hotel's dumpster will be directly opposite his porch. Mr. Tietz suggested that Mr. Schoellkopf and Mr. Burbage check the view from his porch. Mr. Schoellkopf acknowledged Mr. Tietz's offer and replied that it would be difficult to tell if the dumpster will be visible unless it is already set up.

Mayor Tony McClenny questioned if there would be any traffic lanes blocked in order to pull the dumpster out. Mr. Schoellkopf explained that there is already a fire lane at this location and the trash trucks would use it for removing trash and therefore would not block a traffic lane. Mayor McClenny encouraged Mr. Burbage and Mr. Schoellkopf to take advantage of Mr. Tietz's offer in order to design a better fit for the dumpster.

Mr. Jack Burbage suggested that they construct the trash receptacle first and then if necessary to further discuss modifications to hide the dumpster so as to meet the concerns of the affected nearby residential property owners.

Mr. Tracy Mulligan, property owner, was recognized. He recommended that instead of debating on whether or not the dumpster is viewable from Mr. Tietz's porch, they should go there and see for themselves and find a solution.

Mr. Schoellkopf acknowledged Mr. Mulligan's suggestion and reiterated the fact that it would be difficult to tell whether or not the dumpster would be visible. Mr. Schoellkopf continued to discuss changes and updates to the landscaping. He explained that there are no changes to lighting planned for the exterior of the hotel and garage areas.

Mr. Hendrickson questioned the number of foot-candles planned on being used in the covered parking lot and other areas on the property. Mr. Schoellkopf explained that it is suggested to have five (5) to fifteen (15) foot-candles in the areas outside the parking lot and two (2) to ten (10) foot-candles in the parking lot. Mr. Killmer expressed concern over possible light spill over. Mr. Schoellkopf stated that all the lights being used would only have a pool of light facing downwards and not towards the neighbors. He explained that they would be using two (2) to three (3) foot-candles along walking paths and one (1) to two (2) foot-candles in the parking lot. Mr. Hendrickson asked about the lighting for the vehicle entrance and Mr. Schoellkopf replied that the lighting for the entrance will be a pool of light on the ground and will not be out towards the neighbors.

Mr. Schoellkopf stated that there have been some adjustments to the building elevation on the north side for the indoor pool with the addition of a glass panel roof. Mr. Killmer asked for a clarification on whether it would be a fixed or movable glass roof.

Mr. Schoellkopf stated that whether the roof would be retractable has not been determined but that there would be a moveable wall that would allow the pool to be open to the deck.

Mr. Schoellkopf questioned the progress on the Town Right of Way on Hollywood Street. Mrs. Frederick said that there has been no progress and that there will be a meeting in regards to the issue next week. She further stated that it would not affect this current process as the Town's engineer would determine the design of Hollywood Street and it was not part of the design review or approval process.

Mr. Hendrickson questioned where Mr. Schoellkopf was with the State Fire Marshal. Mr. Schoellkopf said that he was at a meeting with the State Fire Marshal soon in Georgetown, DE. The State Fire Marshal, Mr. Duane Fox, said he is taking the information to the next person above him for their blessing. Mrs. Frederick reminded Mr. Schoellkopf that there might be changes to the design of Hollywood Street in the final design as prepared by the Town's engineer that will require additional review by the State Fire Marshal.

Ms. Mary Lou Tietz, property owner, was recognized. She asked for a clarification about the parking garage. She does not want to look into a parking garage every day because it is not visually appealing. Mr. Schoellkopf agreed and reassured her that no one wants to look at a parking garage, so they are doing everything they can to make it visually appealing and to look and feel less like a parking garage. He explained that there will be a four (4) feet high screen and an inviting entrance to the parking garage.

Mr. Killmer commented that this meeting is just one step of a long process because the NRDRRC is only reviewing the exterior building design for compliance with the Design Review Guidelines at this point. Mr. Killmer asked Mr. Weisgerber to not vote because Mr. Burbage owns his business property. Mr. Weisgerber has no objection.

Mr. Killmer made a motion to approve application made by Mr. Burbage. He asked that they return for additional reviews and approvals at the appropriate time during the construction of the hotel to review and approve: 1.) The final design of the trash loading area. 2.) The parking garage lighting. 3.) Signage for the hotel. 4.) Final landscaping plans.

Mr. Mulligan asked for clarification of whether the vote would allow a building permit to be issued. Mrs. Frederick stated that the vote was for approval of the exterior building design for compliance with the Design Review Guidelines only, not the construction of the hotel. The NRDRRC approval is only one requirement to build the hotel. Mr. Mulligan noted that a final vote was not listed on the agenda. He suggested that in order to make sure that there are no road blocks, that a final and formal vote be taken at a later date.

Mr. Schoellkopf argued that this meeting was a continuation from the meeting held on November 8, 2013. Mr. Killmer agreed and said that the agenda for the original meeting did state that the purpose of the meeting was to review and vote on the application for the hotel and that this current meeting was a continuation of the first and second meetings. However, in order to insure that they were not in violation, he agreed that a formal vote would be taken at a later date.

Mayor Tony McClenny encouraged the committee to not take a vote today and suggested that the committee reconvene in seven (7) days rather than in a month to take a formal vote. Both Ms. Denault and Mrs. Frederick agree. Mr. Killmer concurred to have an official vote in seven (7) days.

Approval of Minutes from the Meeting held on October 11, 2013

Mr. Hendrickson made a motion to approve the minutes dated October 11, 2013. Mr. Weisgerber seconded the motion and it was unanimously approved.

Approval of Minutes from the Meeting held November 8, 2013

Mr. Hendrickson made a motion to approve the minutes date November 8, 2013. Mrs. Frederick seconded the motion and it was unanimously approved.

Motion to Adjourn

The meeting was adjourned at 2:55 p.m.

The next meeting is scheduled for December 13th, 2013.

Respectfully Submitted:

Nathalie Fernandes
Receptionist